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**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**SUBDIVISION REVIEW BOARD**

MEETING DATE September 14, 2015	CONTACT/PHONE Stephanie Fuhs (805)781-5721 sfuhs@co.slo.ca.us	APPLICANT PEDP, Inc.	FILE NO. CO 15-0041 SUB2014-00060
<b>SUBJECT</b> Hearing to consider a request by <b>PEDP, INC., A CALIFORNIA CORPORATION</b> , for a Vesting Tentative Parcel Map (CO 15-0041) to subdivide an existing 3.03 acre parcel into two parcels of 1.75 and 1.28 acres each for the purpose of sale and/or development. The project is the re-subdivision of Parcel 11 of Tract 2368, a Commercial Service subdivision that was recorded in 2006. The proposal will not increase the maximum amount of building square footage allowed on the original parcel or increase the allotted amount of water that was approved with the previous subdivision. The proposed project is within the Commercial Service land use category and is located at 1180 Kendall Road, approximately 1,000 feet south of the southeastern boundary of the City of San Luis Obispo. The site is in the San Luis Obispo Urban Area of the San Luis Obispo planning area.			
<b>RECOMMENDED ACTION</b> 1. Consider and find Vesting Tentative Parcel Map CO 15-0041 consistent with the Mitigated Negative Declaration that was previously adopted on August 14, 2003 for Tract 2368. 2. Approve Vesting Tentative Parcel Map CO 15-0041 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator found that the previously adopted Mitigated Negative Declaration is adequate for the purposes of compliance with CEQA. Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162) an Addendum to the adopted Mitigated Negative Declaration was prepared as the following conditions apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Mitigated Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) no new information of substantial importance which was not known or could not have been known at the time of the adopted Mitigated Negative Declaration has been identified. No new mitigation measures have been proposed.			
LAND USE CATEGORY Commercial Service	COMBINING DESIGNATION Airport Review Area	ASSESSOR PARCEL NUMBER 076-512-011	SUPERVISOR DISTRICT(S) 3
<b>PLANNING AREA STANDARDS:</b> 22.98.060 – Areawide Standards, 22.96.060 – San Luis Obispo Urban Area Standards			
<b>LAND USE ORDINANCE STANDARDS:</b> Subdivision design standards for the Commercial Service land use category			
<b>EXISTING USES:</b> Undeveloped			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <i>North:</i> Agriculture/Residence, undeveloped <i>East:</i> Commercial Service/Offices, warehouses, commercial service businesses <i>South:</i> Commercial Service/Offices, warehouses, commercial service businesses <i>West:</i> Commercial Service/Undeveloped			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, County Parks, Cal Fire, Airport Manager, Cal Trans, City of San Luis Obispo	
TOPOGRAPHY: Mostly level	VEGETATION: Grasses, ornamentals
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Cal Fire	ACCEPTANCE DATE: July 10, 2015

## BACKGROUND

Tract 2368, a 26-lot commercial service planned unit development subdivision, was approved by the Planning Commission in August 2003 and recorded in 2006. The subdivision included 23 developable lots and three parcels to be used for drainage basins, water facilities/storage and infrastructure.

Currently, there is approved development on ten of the parcels and proposed development on three additional lots in the tract – including the current parcel (see table below):

Lot #	Project	Land Use Permit	Building Permit	Finalized
5	12,007 sq.ft. commercial office	DRC2013-00082	PMT2013-2709	Yes
6	13,076 sq.ft. commercial shell bldg.	DRC2012-00059	PMT2012-02202 and 02203	Yes
7	9,479 sq.ft. office	DRC2008-00036	PMT2008-01708	Yes
10	15,083 sq.ft. office / warehouse building	DRC2014-00124 SUB2015-00002	Not submitted yet	No
11	19,664 sq.ft. warehouse building	DRC2015-00013 (PC hearing scheduled 10/8)	Not submitted yet	No
12	10,800 sq.ft. office	DRC2012-00087	PMT2013-00335	Yes
14 (APN - 029)	6,366 sq.ft. equipment rental building	DRC2013-00033	PMT2013-02539	Yes
15	25,067 sq.ft. commercial manufacturing bldg.	DRC2013-00004	PMT2013-03198 - issued	No
16	9,998 sq.ft. wholesale commercial bldg. 3,000 sq.ft. office	DRC2012-00034 and DRC2013-00024	1) PMT2012-01976 and 2) PMT2013-00881	Yes
17	26,000 sq.ft. manufacturing bldg.	DRC 2012-00014	PMT2012-01094	Yes
19 (APN - 032)	26,378 sq.ft. office	DRC2011-00101	PMT2012-00588	Yes
20 (APN - 030)	46,000 sq.ft. office	DRC2011-00014	PMT2011-00825	Yes
24	Two commercial buildings totaling 7,376 square feet (Restaurants)	DRC2013-00106	Not submitted yet	No

The assumptions during review of Tract 2368, in order to provide mitigation measures primarily for water supply and traffic, were that there would be a total of 1,000 employees once all of the parcels were developed. Overall structural development within the subdivision was limited to 500,000 square feet. Conditions of approval provided a formula for the maximum square footage per parcel based on the parcel size as well as a formula for calculating the water allotment per parcel.

Since this is a re-subdivision of Lot 11, both resulting parcels will need to comply with the original conditions regarding the maximum square footage as well as the water allotment, along with the other conditions. Based on the original conditions, the maximum square footage allowed for Lot 11 was 34,053 square feet. Neither parcel is currently developed; however, a Conditional Use Permit is currently under review that will be located on Proposed Parcel 1 for a warehouse building of 19,664 square feet to house the Food Bank. Based on the formula from the Tract map conditions, the maximum square foot allowable for Parcel 2 is 14,385 square feet. This calculation is based on the following formula from the Tract map conditions of approval (as modified by the Planning Commission in November 2011):

Individual lot acreage (gross)/"project" acreage (44.49 acres) X 500,000 square feet = maximum building square footage for each individual lot. (e.g. 1 acre lot/44.49 acres X 500,000 sf = 11,238 sf)

With regards to water, each parcel received an allocation based on parcel size. The current drought year allocation for Lot 11 is 0.43 acre feet per year (afy). This allocation would remain in effect for the current subdivision based on the following formula:

Parcel 1      1.75 acre/3.03 (existing parcel size) x 0.75 afy = 0.43 afy  
                    Regular year allocation = 0.57 afy  
Parcel 2      1.28 acre/3.03 (existing parcel size) x 0.75 afy = 0.32 afy  
                    Regular year allocation = 0.42 afy

The current subdivision is proposed on Lot 11 of Tract 2368. Lots 9, 11 and 12 of this subdivision are adjacent to a residence to the north. During the Planning Commission hearing in 2003, conditions of approval were added to the original tract map and conditional use permit to address the residential use and commercial service uses, including a requirement for a Minor Use Permit, a prohibition on lighting on the northeastern edge of these parcels, no windows on buildings facing the northeastern edge of Parcels 11 and 12, and a 75-foot setback from the northeastern edge of Parcels 11 and 12.

## ORDINANCE COMPLIANCE

### *Minimum Parcel Size*

Section 22.22.090 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Commercial and Office land use categories. The standards are based on the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 6,000 square foot parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Water Supply and Sewage Disposal	Community Water Community sewer	6,000 square feet

### *Quimby Fees*

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation. Because the project is a subdivision of less than five parcels that are not to be used for residential purposes, and a building permit cannot be requested for construction of a residential structure or structures on either parcel of this parcel map, staff has determined that quimby fees do not apply for this project.

### *Inclusionary Housing Fees*

Title 29, the Affordable Housing Fund, establishes an in-lieu fee to create a fund that would help to meet, in part, the housing needs of the County's very low, low, moderate income and workforce households. Section 22.12.080 of Title 22, the Land Use Ordinance, describes the options the applicant may choose to satisfy the requirement.

Proposed Parcel 1 will be developed with a warehouse for the Food Bank Coalition of San Luis Obispo County pending approval of a Conditional Use Permit set for hearing in October. Because the Food Bank is a non-profit organization permit fees are waived for this portion of the parcel. Depending on the size and type of development proposed for Parcel 2, fees may be applicable to this parcel.

### *Design Standards*

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

## PLANNING AREA STANDARDS

### 22.98.060 – Areawide Standards:

Applicable standards include undergrounding of utilities, application referral to the City of San Luis Obispo, transit-oriented standards and highway corridor design. As proposed and conditioned, the project meets these standards (see discussion below).

A condition has been added to the project that all utilities shall be installed underground. The application was referred to the City of San Luis Obispo Community Development Department and Public Works Department for review and comment. The City's referral response recommends that long term water supply and waste water be reviewed and evaluated. It also states that if development proposals go beyond what was originally evaluated as part of the original environmental determination for the project, additional mitigation measures, including impact fees could be necessary.

Transit-oriented standards pertain to projects with employment centers of 100 jobs or more. When the subdivision was being finalized, the applicant at that time paid into a regional transportation fund to provide bus service in the area. The Regional Transit Authority does not have a bus stop next to this subdivision or at the San Luis Obispo Regional Airport, but does have a stop within approximately one mile of the project (at the Marigold Center in the City of San Luis Obispo). Highway corridor design standards were incorporated into the original conditions of approval for the subdivision and the prior Conditional Use Permit including building and landscape corridors, limited fencing, and screening of parking areas.

22.96.060 – San Luis Obispo Urban Area Standards:

Applicable standards include providing an on-site water supply, limitations on use, airport area standards, landscaping standards and an allowance for a reduction in the number of required parking spaces. As proposed and conditioned, the project complies with these standards (see discussion below).

The project is served by the East Airport Fiero Lane Water Company for water and the Fiero Lane Water Company for sewer. With regard to the airport area standards, the subdivision was required to design for dry sewer and water facilities for future connection to City systems if annexed in the future, and is required to have the wastewater system inspected annually.

COMBINING DESIGNATIONS

Airport Review Area (AR)

Properties located in the AR area are required to have Airport Land Use Commission (ALUC) review to allow for a determination of consistency with the Airport Land Use Plan (ALUP). Tract 2368, a 26-lot commercial service planned unit development subdivision was reviewed by the ALUC on April 4, 2001. The project was found consistent with ALUP. A few of the design elements of the tract resulted from that review. The most significant is the somewhat perpendicular alignment of Kendall Road with the Runway 7-25 and wide dimension of Kendall Road, free from street light poles and center divider trees. The rationale behind the street alignment was to have an open and suitable area for an aircraft to touchdown in the case of an engine/mechanical failure at either a departure or approach to Runway 7-25. The orientation, alignment and wide dimension of Kendall Road also allows for an Airport Compatible Open Space (ACOS) inside this tract, which according to the ALUP, allows for an increase in non-residential density from 40 people per acre to a maximum of 50 people per acre.

Another notable condition set forth by the ALUC was that future projects within Tract 2368 comply with the current ALUP regarding density. The ALUP allows up to 50 people per acre in Safety Area S-1c, along with the approved ACOS, the allowable density is 50 people x 1.75 acres = 88 people maximum on proposed Parcel 1, and 64 people maximum on proposed Parcel 2 (50 x 1.28 acres). Future development will need to comply with this standard.

MAJOR ISSUES

Environmental Determination

Since the original project was approved in 2003, a new Clean Air Plan was adopted by the Air Pollution Control District (APCD). The conditions of approval incorporate the new policies and standards from the 2009 Clean Air Plan. Conditions of approval have been added accordingly and do not represent a significant change to the previously adopted Mitigated Negative Declaration warranting additional environmental review. Therefore staff prepared an addendum to the previously issued Mitigated Negative Declaration outlining the change to the overall project description, but showing that the impacts associated with the new parcel are the same because the overall maximum square footage and water usage allowed will not change.

STAFF COMMENTS

To respond to the City of San Luis Obispo comments regarding increased development and the need to evaluate existing mitigation measures to determine if they are still adequate, staff has determined that the current subdivision and proposed development of a warehouse on Parcel 1 would be considered to be within the parameters evaluated during the environmental review of the original tract and conditional use permit. No additional environmental mitigation measures are considered necessary.

#### AGENCY REVIEW

Public Works – Recommends conditions of approval for access, improvements, drainage and stormwater

Environmental Health – Preliminary evidence of water letter provided

County Parks – No comments received

CalFire – See attached fire safety plan

Airport Manager – Require an aviation easement

Cal Trans – No comments received

City of San Luis Obispo – Evaluate long term water supply and wastewater capacity, review environmental document to ensure new development is within the assumed parameters

#### LEGAL LOT STATUS

The subject lot was legally created by a recorded map (Tract 2368, Lot 11) at a time when that was a legal method of creating lots.